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The Balance, AND COLUMBIAN REPOSITORY.

" HAIL SACRED POLITY, BY FREEDOM REAR'D !
" HAIL SACRED FREEDOM, WHEN BY LAW RESTRAIN'D !"
BEATTIE.

HUDSON, (New-York) TUESDAY, February 15, 1803.

Political.

FOR THE BALANCE.

ATTENTION!

A DEMOCRATIC PROPHECY OF THE YEAR 1797, PARTLY FULFILLED.

In the New-York Journal and Patriotic Regiſter, of June 28, 1797, is a remarkable publication, which tends to throw light upon the politics of the preſent day.

This publication begins in theſe words : " The French, if they are wiſe (and the " French Directory is at this moment the " wiſeſt and moſt enlightened executive " in the world) will never conclude a " peace with England but upon two con- " ditions. Firſt, that free bottoms will " and ſhall make free goods, any thing in " Mr. Jay's treaty to the contrary not- " withſtanding."

The writer, after a number of obſervations upon this head, proceeds as follows :

" As a ſecond condition—France will " have Canada and Louiſiana. The firſt " the Britiſh nation muſt grant to her ; and " the ſecond the Spaniards will ſell to her " for a valuable conſideration. The " French will have Canada, becauſe it was " taken from them unjuſtly, by the miſ- " conduct of her Kings ; and it is the duty " of a Republic to correct thoſe errors, or " faults in the adminiſtration of affairs " which their former rulers have occaſion- " ed. Secondly, More than half the pre- " ſent people are Frenchmen, good and " true ; and ought to be as free as their " brethren in the Commonwealth.—— " Thirdly, Like the Romans they might " provide for twenty or thirty thouſand " veterans in this growing ſettlement. " Fourthly, It would open a ſource of lu- " crative Commerce, for thoſe Manufac- " tures which might there be conſumed.

" Fifthly, It would put it out of the " Britiſh power to encourage and let looſe " the Indians ; and they have had thou- " ſands of them at their command according " to Burgoyne's proclamation, and Pick- " ering's letter at the time of his Treaty " with them.

" As to Louiſiana—In the firſt place, " the French would be a barrier to Peru " and Mexico : a ſort of watch over theſe " mines, for the Britiſh will be ſo afraid, " after their late beatings by the French, " that they would never venture to South- " America, if they expected to meet a " Frenchman there.——In the ſecond " place,

" The common advantages of Coloni- " zation, would make this fertile country " a valuable acquiſition to the Republic ; " and might afford a convenient office to " Buonaparte, or ſome other General,— " as Governor or Preſident."

Thus ends the chapter of democratic prophecy : and it is indeed a " precious confeſſion"—a clue, that will lead us into the labyrinth of the projects of the French party in this country. It is plainly the meaning of this writer, that the French republic has an undoubted right to, and ſhould and will obtain actual poſſeſſion of, all the territories in North-America, which had been formerly claimed by the kings of France. " Canada (he expreſsly ſays) was " taken from them (the French) unjuſtly " by the miſconduct of their kings ; and " it is the duty of a republic to correct " thoſe errors, or faults, in the adminiſ- " tration of affairs, which their former ru- " lers have occaſioned."

I have no *French maps*, nor can I, at this moment, preciſely aſcertain the limits of the former claims of the French Kings. confident I am, however, that thoſe claims included nearly one half the preſent territory of the United States ; namely, almoſt one half of the ſtate of Georgia at the South ; large portions of the ſtates of New-York and Vermont, and of the diſtrict in Maſſachuſetts, called the province of Maine, at the North and Eaſt ; and all the vaſt tract of land Weſt of the Ohio river.—Excluſive of all this, the French claimed all the lands within the preſent limits of Canada, which is fourteen hundred miles in length, and five hundred miles in breadth ; and alſo all the lands within the preſent limits of Louiſiana, which extenſive and fertile country (according to Morſe's Gazetteer) is bounded Eaſt by the Miſſiſſippi, South by the Gulph of Mexico, Weſt by New Mexico, and North by *undefined* boundaries.

In order to ſecure to France theſe immenſe tracts of lands, which are ſufficiently extenſive to ſupport a hundred millions of people, and at the ſame time to awe and ſubjugate the Britiſh American colonies, the French, beſides their ſtrong holds at the Northward and Eaſtward, began to eſtabliſh about the middle of the laſt century, a chain of fortified poſts, from Upper Canada to the Miſſiſſippi ;—thus ſurrounding the colonies on all ſides, excepting on the ſhores of the Atlantic, and menacing their ſpeedy ſubjugation.

These audacious measures of the French awakened the jealousy and roused the indignation of Great-Britian, and caused the war between the two nations, that ended in 1762. In that war, the policy and energy of Pitt, aided by the prowess of the British and Provincial troops, completely triumphed. Canada and Nova Scotia were wrested from the French: the two Floridas were ceded to Great-Britain; and the French government was constrained to cede to Spain all its territories to the West of the Mississippi, together with the town of New-Orleans:—this cession was made, the day before the preliminaries of peace were signed between France and Britain. This "procedure," forsooth, must now be corrected. France must be inflated in the full possession of all her former claims. "The French if they are wise," will reclaim all the territories in America, "which were taken from them unjustly by the misconduct of their kings." "Like the Romans, they might here provide for twenty or thirty thousand veterans." "This common advantage of colonization (says our prophetic writer,) would be a valuable acquisition to the French republic, and might afford a convenient office to Bonaparte,—or some other general, as governor or president."

Now I solemnly call upon the citizens generally throughout the United States; I solemnly call upon our brethren in the Western country, to consider and weigh these things. Can it be doubted, that *vipers* have been nursed in the bosom of our country, which have gnawed upon her vitals and fattened upon her blood? Can it be doubted, that it *has been* the zealous object of a party to prostrate the United States at the foot-stool of France?—For the accomplishment of the aforementioned prophecy, Bonaparte is now "in the full tide of successful experiment." He has obtained the cession of Louisiania, and his ultimate object it is not difficult to conjecture.

Even the lazy cowardly Spaniard, in obedience to the supposed dictates of France, begins to buffet and spurn us. In violation of a solemn treaty, the stipulated navigation of the Mississippi is obstructed, and the produce of the industrious farmers of the Western country is perishing on their hands.

Great Washington! "Thy name a host," where art thou? Alas! Cold is the heart, that incessantly beat for American freedom and independence; and nerveless is thy once mighty arm!

The philosopher of Monticello reigns:—and it is the voice of *supplication*, that we hear. An Ambassador, with an expensive outfit and salary, is dispatched to Spain and to France, to negociate with the mighty Dons and with the terrible Corsican. Mr. Monroe is this diplomatic agent:—the same, who for his gallic attachment and pusillanimity was formerly recalled from France by Washington;—the same who advised a loan to the French directory, and expressed an high opinion not only of the talents, but of the *integrity* of the directors;——the same, who declared, in substance, to the French agents, that, if their system of depredation upon the American commerce were really for the interest of the French republic, the people of the United States, "*would bear it not only with patience, but with pleasure.*"

By the consummate policy and redoubtable energy of this man, our grievances are to be redressed, and the insulted honour of the nation will be vindicated!

My country!

"If thou beest *she*; but O, how fall'n! how chang'd!"

SIDNEY.

FOR THE BALANCE.

"Nothing extenuate, nor set down aught in malice."

AN ACCURATE STATEMENT OF FACTS,
CONCERNING
Mr. ATTORNEY-GENERAL SPENCER's
LATE ATTACK
ON THE

Liberty of the Press,

IN THIS COUNTY.

Written by a gentleman who was at court during the whole transaction, and who pledges himself that the detail is substantially correct.

[CONCLUDED.]

MR. SPENCER began his reply by stating, that he could not avoid believing, that the declamation of the gentlemen who preceded him, was addressed more to the ears of the spectators who surrounded the bar, than to the sound discretion of the court. They had made fine speeches, and travelled through the whole field of invective. They had invoked all the powers of liberty and independence, and attempted to press them into their service. But these, he said, were delusive sounds. At a distance they appeared enchanting; but when closely inspected, they proved to be Jacks o' th' Wisp, calculated to bewilder the judgment and lead it into error.

The gentlemen, he said, had indulged themselves to a great extent, in reproaches and had, not very politely, impeached his motives. As to his motives in this prosecution, he said they were pure. The torrents of slander which pour incessantly from the presses opposed to government, must be checked, or all that is dear to man would not be worth preserving. He said, he had been urged to this prosecution more particularly by what fell from one of the Judges in his charge to the grand jury last sessions. [Judge Sylvester here interrupted Mr. SPENCER. He stated, that he had, in his charge to the grand jury, alluded to, turned their attention to all *immoral* publications, and had particularized "The Temple of Reason," an infamous deistical paper published weekly at Philadelphia; but that he had never alluded to the "Wasp," or to any other particular paper.] Mr. SPENCER replied, that he did not suppose that his honor had done so. He could not believe that his honor would conduct as a certain federal judge once did. He then related to the court, that false and infamous slander about judge CHACE, which is believed to have originated with DUANE:—That when he entered Richmond, he sent for the public prosecutor and advised him, if there was any democratic printer in the city, whom they could get hold of, to prosecute him immediately under the sedition law. But, Mr. SPENCER said, his motives had nothing to do with the question. The court were bound to pronounce the *law*. And whatever might be said about freedom, liberty, and the rights of man, if the law was as he contended, it must have its course until altered by the Legislature.

Mr. SPENCER then reviewed the authorities which he had before quoted. He said that Blackstone and Hawkins concurred in the doctrine, that any one who speaks words "tending to scandalize the government," who speaks "words of contempt of any officer of justice," or who publishes an obscene book, may be bound to their good behaviour. He asked, if Mr. CROSWELL had not published words tending to scandalize the government. If, said he, a man may be bound to his good behaviour merely for writing an obscene book, for which he cannot be indicted at common law, is it not absurd to say that for an indictable offence he cannot be so bound? A libel is an offence of a very heinous nature. And he contended that, from the whole course of the authorities, a libeller was subject to this recognizance. But, said Mr. SPENCER, the gentlemen have told us that this man is not a libeller; that, he cannot be so considered by the court until he is pronounced guilty by a jury of his country. But here is an indictment found against him for libelling THOMAS JEFFERSON. This is *prima facie* evidence of guilt. Besides, said Mr. SPENCER, read the words which he is charged to have published. Mr. JEFFERSON is charged with violating the constitution, which is, in fact, a charge of perjury. He is charged with having paid a villain for li-

belling *that great and good man, that departed patriot, our beloved Waſhington.* Can the court doubt that theſe are libels? Or can they ſay that the man who publiſhed them is not a libeller? Or, upon ſo ſlimſy a pretext, will they ſuffer this calumniator, this ſlanderer, this aſſaſſin, to continue his ſlanderous publications. [Mr. WILLIAMS interrupted Mr. SPENCER. He demanded that the court ſhould protect Mr. CROSWELL from the abuſe of the Attorney-General. Admitting the charges made againſt Mr. JEFFERSON ever ſo falſe (which he denied) ſtill the court could never know that Mr. CROSWELL was the publiſher, until he was declared ſo by a jury. Mr. CROSWELL, he ſaid, was neither a ſlanderer, or a calumniator. And as to the term *aſſaſſin*, Mr. CROSWELL was as free from blood or crime as the man who would take this daſtardly advantage of his ſituation to abuſe him with impunity. Mr. SPENCER explained, and ſaid he only meant an aſſaſſin of reputation.] He then quoted 3d Burn's Juſtice, page 348 and 349. to the ſame effect with the quotations already given. And from the whole argued, with conſiderable force and at ſome length, that a man ſtanding indicted for a libel might be bound to keep the peace and to be of good behaviour.

In anſwer to the authorities refered to by the counſel oppoſed to him, he ſaid, that the book firſt introduced, called "a digeſt on the law of libels," was anonymous. It was probably a fugitive catch-penny production of ſome Engliſh Barriſter, and conſequently entitled to but little credit. As to the caſe from 3d Wilſon's Reports, he ſaid it did not touch the preſent queſtion. Wilkes, he ſaid, was a member of parliament, and excuſed on that account from the bonds demanded. In anſwer to the paragraph cited from Mr. Fox's ſpeech, he contended, that parliamentary debates in 1791 could not determine the law in this country in 1803; that, altho' *Mr. Fox was a great ſtateſman yet that he was no lawyer;* that, altho' he uſed the term "previous reſtraints in the form of previous ſureties of any kind for good behaviour" yet that he meant only ſuch *reſtrictions* as could prevent the publication.

He therefore contended, that his doctrine ſtood unoppoſed by any ſubſtantial authority.

Mr. SPENCER alſo contended, that his doctrine did not at all reſtrain the freedom of the preſs and fair diſcuſſion. He agreed that the true liberty of the preſs conſiſted in freedom from all *previous* reſtraint; but inſiſted, that the recognizance demanded would be no *previous* reſtraint. It would, he ſaid, tend to reſtrain its licentiouſneſs. It would tend to check thoſe libels which weekly iſſued from the preſs of the defendant. He ſaid it might as well be contended that a proſecution for a libel was a *previous* reſtraint on the preſs. He read a long paragraph from 4th Black. Com. pages 151 and 152, and contended, that from theſe it was clear, that Blackſtone, by the words "previous reſtraint," meant only ſuch power as could prevent the publication. If the publication was permitted, he contended that it was proper that the publiſher ſhould be accountable to the law, and reſponſible to the public for the conſequences of every ſyllable. And whether he was puniſhed for a libel, by the forfeiture of his bonds, or by the verdict of a jury, could be of no conſequence to the true freedom of the preſs or of fair diſcuſſion.

He denied that it curtailed the rights of jurors. He ſaid there was two kinds of juſtice, known in our law; the one called *deſtributive*, and the other *preventitive* juſtice. Under the latter diſtinction fell the preſent motion. He then entered into a long argument, to ſhew, that in many inſtances, a man may, by our law, be deprived of his liberty without trial by jury. He inſtanced a recognizance for the breach of the peace, where a man may be required to give bonds to keep the peace and be of good behaviour, and in caſe of refuſal may be committed to gaol. He contended that this was a parallel inſtance; and that it was abſurd to ſay, that in the one caſe a man may be compelled to give bonds, and in the other could not; that in the one caſe, the liberty of action might be reſtrained without trial by jury, and in the other the liberty of libelling could not. Beſides, he ſaid, if Mr. CROSWELL was charged with a breach of his recognizance, by hereafter publiſhing a libel, the court had the power of referring that charge to a jury. And in that caſe, unleſs he ſhould be convicted by a jury, his bonds would not be forfeited. As to the habæs corpus, he did not deny that Mr. CROSWELL might be relieved by it from theſe bonds, if he choſe to be committed. But admitting the ſupreme court would immediately diſcharge him, that was no rule for this court. This court muſt exerciſe its own diſcretion; and if the gentlemen adviſed their client to reſort to the ſupreme court, it would then be time for that court to exerciſe their power.

Mr. SPENCER concluded with profeſſing that he had no intention to fetter the preſs. He knew its value—but he felt its licentiouſneſs; and he truſted the court would exert their power in this goodly attempt to check thoſe floods of calumny which threaten the deſtruction of our country.

It is not pretended that the precise language of Mr. SPENCER is here copied—but it is believed that every material argument is given. And altho' the writer of this holds in abhorrence the political character of Mr. SPENCER; altho' he conſiders this attempt as a tyrannical effort of "a little brief authority," to ſmother the voice of truth, and to bind in chains the real freedom of the preſs, ſtill he muſt ſay, that in his opinion, with the exception of a few indecent expreſſions, which aroſe from violence of temper, or of party ſpirit, this was one of Mr. SPENCER's moſt ingenious ſpeeches. It was, in ſhort, making the beſt of a very bad cauſe. After Mr. SPENCER ſat down, the Judges conſulted for a few moments on the Bench, when Judge FORD delivered it, as almoſt their unanimous opinion,* that Mr. SPENCER *ſhould take nothing by his motion.*

This opinion, while it reflects the higheſt honor on the Judges, a majority of whom were oppoſed to Mr. CROSWELL in political principle, we hope will teach Mr. SPENCER an important leſſon. It ſhows him, that our tribunals are not prepared to ſacrifice honeſty at the ſhrine of party ſpirit. It muſt convince him that whatever ſchemes of perſecution and revenge may have been formed, he is yet ſubject to the control of men reſolved to reſtrain his vindictive ſpirit within the bounds of reaſon and juſtice.

The deciſion of the court appeared to give general ſatisfaction to the numerous aſſembly which crouded the court houſe. Here and there a viſage appeared clouded with diſappointment and anger.—But the great body of the ſpectators, of all parties, received the deciſion with evident pleaſure. They ſeemed to *feel* that juſtice and law, reaſon and liberty, had once more triumphed.

* *It is underſtood that Judge Hogeboom alone diſſented.*

Balance Cloſet.

"A PRECIOUS CONFESSION."

Mr. Smith, in the late debate in Congreſs upon the ſubject of the *ſecret committee*, ſpeaking of Mr. Rutledge, ſaid, "*We have taken great pains to get the power out of the hands of that gentleman and his friends*, (that is from the federaliſts) *and to veſt it in our own hands.*"

Very well, Mr Smith! We admire your frankneſs. We had known before that the poſſeſſion of power was the great object of the democratic leaders, but we did not expect that they would come forward and avow it.

The wiſeſt meaſures have been vilified; the pureſt characters have been calumniated; the vocabulary of Billingsgate has been ranſacked for epithets of reproach, with which to brand the federal adminiſtrations——and for what object?——That Mr. Smith and Co. might "*get power.*"

A new daily paper, entitled, the "*Charleſton Courier,*" has recently made its appearance at Charleſton, S. C. It is publiſhed for Mr. LORING ANDREWS, who was formerly editor of the Albany Centinel. He is a gentleman of talents and reſpectability, and a decided federaliſt.

Monitorial Department.

To aid the cause of virtue and religion.

FOR THE BALANCE.

DOCUMENTS CONCERNING THE EXISTENCE OF NOAH's DELUGE.

VARIOUS traditions and fables among ancient nations, which had not been acquainted with the writings of Moſes, ſeem plainly to have had their origin in the event of the deluge. The old and generally received pagan fable of the war of the giants againſt heaven, and their horrible overthrow by the proweſs of angry Jupiter, may rationally be ſuppoſed to have been founded upon that aſtoniſhing event. The general concurrence of ancient nations, in making the *Olive-branch* an emblem of peace, ſeems plainly to allude to the circumſtance of Noah's dove, that plucked off an olive-leaf and returned with it to the ark; which was conſidered as a token that the terrible war of the elements had ceaſed, that the waters were aſſuaged and that there was an implied declaration of peace and ſafety to the ſmall remnant of the human race.

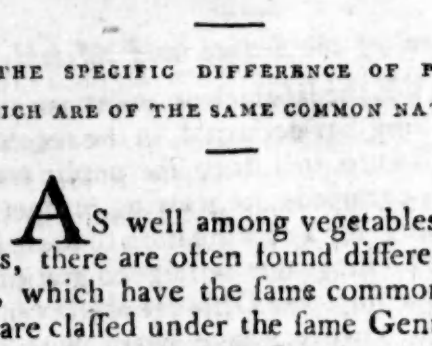
But not to inſiſt upon theſe and a variety of other traditions and fables;—if there had been no tradition of the kind—if there had been no hiſtorical or written documents in relation to the deluge, we ſtill ſhould have occular demonſtration of the exiſtence of ſuch an event, from the condition of the various parts of the earth.—The appearance of marine ſubſtances, ſcattered over the face of the earth, is a certain evidence that the earth has undergone a ſubmerſion from the waters of the oceans.

The celebrated Doctor Goldſmith remarks,—"Whatever depths of the earth we examine, or whatever diſtances within land we ſeek, we moſt commonly find a number of foſſil ſhells, which being compared with others from the ſea, are found to be exactly of a ſimilar ſhape and nature. They are found at the very bottom of quarries and mines, on the tops of even the higheſt mountains, as well as in the vallies and plains: and this not in one country alone, but in all places where there is any digging for marble, chalk, or any other terreſtrial matters, that are ſo compact as to fence off the external injuries of the air, and thus to preſerve theſe ſhells from decay."

Diſcoveries of this kind have been greatly enlarged and multiplied ſince the time of Goldſmith. In the preſent inquiſitive age, almoſt every year adds to their number; and they have become by far too numerous to be particulariſed, unleſs in a large volume.

Only one or two, from among the moſt remarkable of theſe diſcoveries, ſhall hereafter be mentioned.

W.



Agricultural.

FOR THE BALANCE.

ON THE SPECIFIC DIFFERENCE OF PLANTS, WHICH ARE OF THE SAME COMMON NATURE.

AS well among vegetables as animals, there are often found different ſpecies, which have the ſame common name and are claſſed under the ſame Genus.

In the New-York Magazine, it is related that Mr. Iſbel in Virginia, about nine or ten years ago, obſerved in his field a ſingle ear of wheat almoſt ripe, when all the reſt was in flower. This ear he carefully preſerved and ſowed it by itſelf, rightly judging it to be a *peculiar ſpecies*:—and from it there have proceeded many thouſand buſhels. It ripens fifteen or twenty days earlier than other wheat. It is never deſtroyed by ruſt. Its ſtraw is ſhorter and leſs cumbrous than that of the other kinds of wheat; and conſequently gives a better ſcope for the growth of clover. I believe (but am not certain) that this is the ſame that has been advertiſed in the ſouthern papers, by the name of *red ſtraw wheat*.

The ſame publication relates that there has lately been diſcovered, on Manhattan Iſland, at Haerlem, a ſpecies of Indian Corn, the ear whereof contained ſixteen rows of grains: and that as the average number of grains exceeded fifty to the row, the product of a ſingle ear was more than eight hundred grains. There can be no doubt that crops might be greatly increaſed by a careful attention to the *ſpecies* as well as to the *quality* of the ſeed.

I had long ſince known a diſtinguiſhed farmer, who carefully culled out thoſe ears of Indian Corn for planting, which were filled out, or had their tops quite covered over with kernels; and the ſucceſs of this method was ſuch, that a large proportion annually of his ears of corn was topped over with kernels, in the manner of thoſe ears, which he had preſerved for ſeed.

Medical.

FOR THE BALANCE.

COW OR KINE POX.

ALTHO' this benign ſubſtitute, has made rapid progreſs thro' all ranks of ſociety in Europe, and has full credit with characters moſt diſtinguiſhed for information in every profeſſion amongſt us; yet by far the greateſt number ſtill remain doubtful of its affording a compleat ſecurity from the attack of the moſt loathſome of diſeaſes. From decompoſed and contaminated matter; and from the ſpurious and full-explained caſes that have occurred (ariſing from the want of the neceſſary knowledge of the genuine operation of the Vaccine Virus) this ſtate of doubt is not to be wondered at; and nothing can effectually diſſipate it, but ſubmitting one diſeaſe to the teſt of the other; and it becomes neceſſary that theſe teſts ſhould be ſome time after the Kine Pox, on account of the objections of ſome Small-Pox Inoculators, who alledge that the Kine Pox is a barrier no longer than while the Kine Pox is in circulation.

I have good authority to aſſert, that the Kine Pox has been an effectual ſecurity from the Small-Pox, for fifty-three years, in England; but time only can give us that ſatisfaction in America, unleſs we are thoroughly acquainted with the effects of both diſeaſes on the human ſyſtem: that it ſecures the ſyſtem from the Small-Pox for nine months, has lately been demonſtrated by experiments, as certified below; and if it is a ſure barrier for nine months it is for life, in the opinion of the public's humble ſervant.

E. ELMORE.

Canaan, Dec. 21ſt, 1802.

This certifies that on the 24th of March laſt, Dr. E. Elmore inoculated two of my daughters for the Kine Pox, which was evident from its not being contagious; and on the 2d day of December inſt. Dr. Iſaac Averill inoculated them with Small-Pox matter, which infected their arms from the third day after the operation to the eighth, when they were well without one trace of diſeaſe.

per me,

WILLIAM JOHNSON, *Surgeon.*

Canaan, Dec. 22d, 1802.

This may certify, that on the 28th of laſt March, Dr. E. Elmore inoculated me for the Kine Pox (I dieted and laboured much as uſual, and was not ſick.) On the 2d day of December inſt. I met Dr. Averill at a houſe where there were a number under the operation of the Small-Pox. The Dr. took infection from one of them, and in the preſence of Dr. Badcock and others, put it into my arm. I agreed to meet them again the 8th day, when I went into the hoſpital, where were a number covered well with Small-Pox. In the preſence of Capt. L. Warner, T. Elmore, and others, Dr. Badcock inſerted freſh matter of Small-Pox into two places, and Dr. Elmore the ſame kind of matter into one place. Each inciſion appeared to work, made a progreſs until the eighth day, then decreaſed and diſappeared without the leaſt ſymptom of diſeaſe. Per me,

RICHARD JOHNSON.

Canaan, Jan. 8th, 1803.

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This may certify, that about the firſt of April laſt, Dr. E. Elmore did inoculate five of my family for the Kine Pox. My agreement with him was to have them inoculated with Small-Pox infection at a reaſonable time. On account of the declarations of our neighbouring phyſicians, that they could give them the Small-Pox in ſix *months* after, I procraſtinated their being teſted until the 8th of Dec. inſt. when Dr. T. Badcock inoculated them in my preſence, with freſh matter of Small-Pox. They have frequently viſited the hoſpital, where a number had the Small-Pox very full, and one died with it, whoſe funeral they attended. Their arms were a little infected from the third day after the operation until the eighth ; but not one trace of diſeaſe. Per me,

THADDEUS ELMORE.

December 22d, 1802.

—

To whom it may concern, theſe may certify, that I did inoculate Richard Johnſon's and two of Dr. W. Johnſon's daughters with good freſh infection of the Small-Pox, on the ſecond day of December inſt.

ISAAC AVERILL, *Phyſician.*

Canaan, Dec. 20th, 1802.

—

This may certify, that I did inoculate Richard Johnſon, and five of Thaddeus Elmore's family for the Small-Pox, the 8th of Dec. inſt. with freſh matter inſerted immediately into the arms of three of them at the hoſpital ; the other three with the ſame kind of infection carried half a mile, which operation I have inſpected, and on the 11th the arms all appeared infected ; on the 17th ſome of them well. They are now all entirely well, without one trace of diſeaſe ; and now I am convinced, it is impoſſible for me or any perſon to give them the Small-Pox hereafter.

Per me,

TIMOTHY BADCOCK, *Phyſician.*

State Legislature.

ALBANY, JANUARY 25.

The Legiſlature of the ſtate of New-York met in this city this day.

The uſual meſſage having been ſent to his Excellency the Governor, informing him that the two Houſes were ready to proceed to buſineſs, he met them in the Aſſembly Chamber about 1 o'clock, and delivered the following

Speech :

Gentlemen of the Senate and Aſſembly,

I HAVE the ſatisfaction to inform you, that nothing has occurred, in the receſs of the Legiſlature, to diſturb the public tranquility, or to impede the growing proſperity of the ſtate ; for a continuation of theſe ineſtimable bleſſings our unfeigned gratitude is due to the Supreme Diſpoſer of all events. You muſt, however, have heard with regret of the late unwarrantable conduct of the Spaniſh Intendant at New-Orleans, calculated to deprive the people of the United States of the free navigation of the Miſſiſſippi ; but notwithſtanding the ſenſibility ſo generally and juſtly excited on this occaſion, there is every reaſon to believe that the wiſe and temperate meaſures adopted by the Preſident will remove all cauſe of complaint : Should this not be the caſe, and a more vigorous courſe become proper and neceſſary, I feel confident it will be purſued ; and that this ſtate, which ſo eminently exerted itſelf in the eſtabliſhment of American Independence, will diſplay equal firmneſs and patriotiſm in vindicating our national rights, from whatever quarter they may be aſſailed.

Our fellow-citizens attached to our happy conſtitution from a conviction that it is wiſely calculated, under Divine Providence, to enſure all the eſſential benefits of civil ſociety, without any unneceſſary abridgement of their natural rights, generally manifeſt a diſpoſition to pay due obediance to the laws, which they juſtly conſider as the expreſſion of their own will, & to give to government that genuine energy and ſupport which are only to be derived from their confidence and affection. It is alſo with pleaſure I mention, that the duties aſſigned to the different departments, as far as my obſervation extends, continue to be performed with wiſdom and fidelity.

With reſpect to the various matters committed to my more immediate direction, I flatter myſelf you will find them executed in a manner that will meet your approbation. Treaties have been held with the Oneida and Seneca nations of Indians, and the objects contemplated by the laws authorizing thoſe negotiations, accompliſhed. Copies of the treaties will be laid before you, with an eſtimate of the ſums which remain to be provided for to comply with the ſtipulations contained in them. It may be proper to remark, that as no proviſion was made for the payment of the ſums mentioned in the agreement entered into with the Oneidas, under concurrent reſolutions of the Senate and Aſſembly of laſt ſeſſion, nor for defraying the expence of the treaty directed to be held with that nation, it became neceſſary to ſupply theſe deficiencies by private credit. I avail myſelf of this firſt opportunity of fulfilling my engagement to the Seneca Indians, by recommending that legiſlative proviſion be made for ſecuring to them certain privileges ſpecified in the treaty with that nation. I conſidered their claims reaſonable, and would have confirmed them, had not doubts exiſted reſpecting my authority.

The annual report of the Commiſſary of Military Stores, with the papers accompanying it, will communicate all uſeful information relative to that department, and diſcloſe to you how far the different ſervices enjoined on him by the act of laſt ſeſſion, deſignating his duties, have been performed. Notwithſtanding I have reaſon to believe this buſineſs has been conducted with a ſtrict regard to economy, yet it is probable the expences incurred may exceed the ſum at which they were eſtimated, owing to the extenſive repairs which the Arſenals required, and to the ruinous condition in which the ſmall arms and accoutrements were found ; as it could not have been conjectured, that whilſt large ſums were expending in defenſive preparations, articles of the firſt utility wave been ſo much neglected. This effort to put our Magazine of Military Stores in a ſtate of repair is an uſeful one, but as it will appear from the returns that the ſupplies fall far ſhort of thoſe enjoined by the conſtitution, it would be injuſtice to the wiſdom of the Legiſlature to doubt that ſuch farther appropriations will be made as the ſtate of our Treaſury may warrant, for a more perfect compliance with a conſtitutional injunction dictated by a regard for the public ſafety. The danger of placing a dependance on theſe ſupplies from abroad, and the difficulty of procuring them when moſt wanted, point out the expediency of embracing the preſent favorable opportunity which peace affords, for repleniſhing our magazines : In doing this, however, a preference ought to be given to articles which the ingenuity and induſtry of our

own citizens can furniſh, as thereby an additional object will be attained; encouragement will be given to American artizans.

With the returns of the reviews and inſpections of the laſt year, I ſhall alſo cauſe to be laid before you thoſe of the preceding one; by a compariſon of them you will have the ſatisfaction to diſcover an increaſing attention to duty, honorable to the militia, and at the ſame time evincive of the beneficial effects produced by the amendments made at the laſt ſeſſion to the militia law. It is ſubmitted to your judgment to deviſe ſuch farther improvements in the ſyſtem as ſhall be beſt calculated to promote diſcipline and encourage military ardor.

Although it was to have been expected crimes would have multiplied with the increaſe of our population, it is with peculiar pleaſure I obſerve, that from the documents in my poſſeſſion it may be inferred with a degree of certainty, that for the laſt three years their number has been gradually diminiſhing. This circumſtance, whilſt it is highly gratifying to philanthropy, and reſpectable to the community, demonſtrates the wiſdom of the alterations made in our criminal code, by the rejection of ſanguinary puniſhments and the ſubſtitution of a ſyſtem more congenial with the mild ſpirit of our free government.

This, with other wiſe improvements which have from time to time been made in our laws, and the recent judicious reviſion and amendment of them, have given to our juriſprudence ſuch a degree of perfection as to induce a belief that any material alterations are at preſent unneceſſary. Beſides the obvious advantages attending the ſtability of laws, it is eſſential to their due obſervance, that they ſhould be generally known and accurately underſtood, but this is impracticable whilſt they are ſubject to frequent changes, ſince time is required to aſcertain by judicial deciſions, the legal import of ſections, admitting of different conſtructions; and ſuch are too frequently to be found even in amendatory ſtatutes. Should you, gentlemen, concur in this opinion, a greater portion of your time than uſual may be devoted to other objects.

The improvement of our fiſcal concerns will naturally preſent itſelf to you as of ſuperior moment, and the details contained in the Comptroller's annual report, will aſſiſt in your deliberations on this important ſubject, by ſuggeſting meaſures for rendering the funds of the State more productive of revenue. The ſalutary effects reſulting from the œconomical ſyſtem and judicious arrangements of the general Government afford an inſtructive leſſon; and if we purſue an example of ſuch high authority and ſo worthy of imitation, there is reaſon to believe that the finances of the State may be placed in a condition competent to all the exigencies of Government, without the neceſſity of recurring to taxation.

The tract of land belonging to the State adjoining the Niagara river, including that ceded by the recent Treaty with the Seneca nation of Indians, comprehends the carrying place and line of communication between the Great Weſtern Lakes. This, and other intereſting conſiderations ariſing from its frontier ſituation, render it highly important that meaſures be taken for its ſpeedy and regular ſettlement. The intereſt of the State alſo requires more effectual meaſures than have hitherto been adopted to prevent waſtes and intruſions on the public lands. It is to be feared that the indulgent conduct of Government has only tended to increaſe theſe pernicious practices. Moſt of the offenders are ſtrangers, ignorant of our laws, and it is time they were taught that tranſgreſſions are not to be rewarded with favors:—Wholeſome ſettlers will not riſk their labor in improving lands held by ſo unjuſtifiable and precarious a tenure, and ſound policy as well as juſtice forbid our encouraging thoſe of a different deſcription.

There is perhaps no object connected with the internal commerce of the State of greater conſequence to its proſperity than the Navigation of Hudſon's river, and under this impreſſion the Legiſlature have at different times granted conſiderable ſums which have been applied to its improvement and extenſion. It is obvious, however, that the advantages to be derived from theſe expenditures can be of but comparative ſmall value, unleſs the public aid ſhall be extended to the removal of the obſtructions below this city, which greatly impede the paſſage of the river, and are found to be annually increaſing. If it ſhould be deemed expedient to patronize this intereſting undertaking, you will perceive the propriety of directing preparatory meaſures for aſcertaining the beſt manner of accompliſhing it, and of committing its execution to agents of your own appointment, as attempts on an injudicious plan might, without effecting the object, be productive of injurious conſequences.

Some defects which had been diſcovered in the laws eſtabliſhing Turnpike Road Companies, were ſuggeſted to the Legiſlature at the opening of the laſt ſeſſion. But although the evils apprehended from theſe defects were guarded againſt in the incorporating acts paſſed ſubſequent to that period; yet no remedies were extended to the impefections of the then exiſting laws: And as in theſe no mode is preſcribed to exact a compliance from the companies with the intentions of Government, the trouble, expence and hazard of vindicating public rights devole on individuals. It is ſubmitted whether it would not be expedient to confer the power of enforcing theſe laws on ſome of the eſtabliſhed officers, at the public expence, and at the ſame time to preſcribe the manner in which ſuch power ſhall be executed. The difficulties which occur in deviſing amendments to acts of this kind, without invading corporate rights, ought to ſerve as an admonition to great care and circumſpection in framing future ones. How far it will be prudent to increaſe the number of theſe incorporations before the advantages to be derived from them by the public, ſhall be more fully aſcertained by a courſe of fair experiment, is a queſtion worthy of your ſerious conſideration.

The eſtabliſhment of common ſchools has at different times engaged the attention of the Legiſlature; but although its importance is generally acknowledged, a diverſity of ſentiment reſpecting the beſt means has hitherto prevented the accompliſhment of the object. The diffuſion of knowledge is ſo eſſential to the promotion of virtue and the preſervation of liberty, as to render arguments unneceſſary to excite you to preſeverance in this laudable purſuit: Permit me only to obſerve, that education, by correcting the morals and improving the manners, tends to prevent thoſe evils in ſociety which are beyond the ſphere of legiſlation.

Gentlemen,

I ſhall occaſionally communicate, by meſſage, ſuch other matters as may appear to deſerve your notice, without detaining you any longer at this time, than to aſſure you of my beſt endeavors to render your ſeſſion agreeable; & that I ſhall always conſider a cheerful co-operation with the Legiſlature, in every meaſure calculated to promote the honour of the ſtate and the happineſs of our conſtituents, among the firſt of my duties.

GEO: CLINTON.

Albany, January 25th, 1803.

Columbian Congress.

In the debate on Mr. Rutledge's motion, that *thoſe who would take upon themſelves the burden of arming their own militia, ſhould be exempted from the duties payable on the importation of arms,* Mr. Davis, from KENTUCKY, delivered a ſpeech reprobating in pointed terms the conduct of the Deemocrats in the houſe, with Meſſrs. Randolph and Smith at their

head. The following extract from that ſpeech contains a handſome ſpecimen of well directed ſarcaſm and happy alluſion : [*Evening Poſt.*]

"Mr. Davis ſaid he could not repreſs his aſtoniſhment at the obſtinate oppoſition which had been made to that reſolution. He could not but believe that the true reaſons for that oppoſition had been kept behind the curtain, and that thoſe which had been offered to the houſe were merely intended to furniſh gentlemen with an excuſe for voting againſt the reſolution. When he looked at the conſtitution and found that it was the duty of the general government to organize and equip the militia, and when he heard it ſtated on that floor that certain individual ſtates had offered to take upon themſelves the burden of arming their own militia, provided congreſs would conſent to relinquiſh the duties upon the importation of arms, he was aſtoniſhed that any oppoſition ſhould be made. A few days ago the gentleman from Maryland (Mr. S. Smith) who now oppoſed the reſolution, delivered a ſpeech full of vigour and ſpirit upon the ſubject of defending our rights, and of the ability and willingneſs of the people to repel every infraction of thoſe rights. The gentleman then appeared to be inſpired with a ſpark from the altar of '76—Now he oppoſes the arming of the milita—He wiſhed to know how that gentleman intended to fight? whether like the ante-deluvians with clubs? or like the ſavages of the wilderneſs, with bows and arrows? Mr. Davis was not leſs ſurpriſed at the conduct of the gentleman from Virginia (Mr. Randolph) who firſt oppoſed the preſent reſolution. That gentleman, a few days ago had affected to make a great diſplay of his zeal for defending the rights of the weſtern people, and maintaining the free navigation of the Miſſiſſippi. And what, ſaid Mr. Davis has been done? What have we to ſhew as proof of our reſentment of treaties violated? We have a little piece of paper *about ſo big*, [ſhewing his hand] covered with *ſoft* words about our *ſenſibility*; and this I ſuppoſe is to be uſed as the children of Iſrael uſed their brazen ſerpent; it is to be held up in the ſight of the people of the weſtern country, and when they look upon it, they muſt be ſatisfied for any injuries that they may ſuffer in conſequence of the violation of their rights.—The gentlemen, having carried that reſolution, and publiſhed theſe *pompous words*, now reſt ſatisfied and refuſe to allow us to import arms for our defence. If we want defence, I ſuppoſe we ſhall be told to look at that *reſolution*.

Mr. Davis ſaid it had been his intention to call upon congreſs to ſupply the militia of Kentucky, Tenneſſee and Ohio with arms, but he was diſcouraged from doing ſo when he ſaw a refuſal to allow ſtates to arm themſelves—when he ſaw reſolutions paſſed to defend the rights of the citizens, and at the ſame time refuſing them the means of defending themſelves.

From the ſpeech of Mr. Bayard, delivered in the houſe of Repreſentatives, on the 11th January, it appears that the ſecret buſineſs brought before the houſe on that day, by Gen. Smith, was a propoſition for *a ſecret appropriation* of an immenſe ſum of money, no leſs than *two millions of dollars*, and that the meaſure is in ſome way connected with the affairs of Louiſiana. For what purpoſe this enormous expenditure of public money can be neceſſary it is impoſſible to conjecture; inaſmuch as all information relative to the actual ſtate of our exiſting relations to that country has been zealouſly oppoſed and finally refuſed. Whether theſe two millions of dollars have been appropriated and paid out of the treaſury:—Whether they are to be carried by Mr. Monroe to the Firſt Conſul for the purpoſe of inſuring a more favourable reception than our miniſters formerly met with from the ſame court: Or whether they are to be employed as the moſt ſatisfactory argument which can be uſed for convincing the Firſt Conſul of the expediency of continuing to us the free exerciſe of a right long enjoyed and ſecured by the moſt ſolemn ſtipulations, are queſtions which cannot be anſwered, and reſpecting which the people will probably never be informed. The whole affair is involved in profound *ſecrecy*. All that can be conjectured with any degree of certainty is that a propoſition has been made for *ſecretly appropriating two millions of dollars*, and that the appropriation has ſome relation to Louiſiana.

Subſequent to this tranſaction, another confidential meſſage has been received from the preſident, and acted upon with cloſed doors.——Whether this is a call for *more money*, and whether the call has been complied with, the people cannot know. It is ſufficient for them to know that their preſent rulers are wiſe, and honeſt, and economical. The leſs they know of the particular means adopted for ſecuring their proſperity and happineſs, the leſs likely they will be to murmur and find fault that ſome other, and as they might ſuppoſe, better mode was not choſen for accompliſhing the ſame end.

[*Gaz. of the United States.*]

The Preſidential project of a *Dry-Dock* has been ſcouted out of Congreſs, by the united voice of federaliſts and democrats.

Be it our weekly task,
To note the paſſing tidings of the times.

Hudson, *February* 15, 1803.

CONGRESSIONAL NOTE.

It was our intention to have publiſhed, in regular detail, the proceedings of the preſent ſeſſion of Congreſs. But this is found impracticable, and it is deemed unneceſſary. We ſhall, therefore, in future, ſelect ſuch parts from the debates, &c. as are more immediately intereſting to our readers. No ſubject that has occupied the attention of Congreſs, has been of equal conſequence with the ceſſion of Louiſiania to France, and the infraction of our treaty with Spain by the ſhutting of the port of New-Orleans—and, yet on no ſubject, have the democrats (with very few exceptions) betrayed ſuch a ſhameful apathy. In vain have the federal members exerted themſelves to obtain information on the ſubject. The Virginian Randolph, with a majority of the houſe of repreſentatives at his command, has ſucceſsfully oppoſed every attempt of the kind. The federaliſts contend, that the ſubject is of vaſt importance, and of a preſſing nature—that the preſident mentioned it, as ſuch, in his meſſage at the opening of the ſeſſion—that the ſeſſion is more than half ſpent, and that ſufficient information is not received to enable Congreſs to act upon the buſineſs. The democrats, (at leaſt ſome of them) declare that it is a matter of but little conſequence; and they uniformly oppoſe every motion for calling for information.—The democrats as if aſhamed of their conduct, have tranſacted every thing relating to the affair, with cloſed doors, notwithſtanding the exertions of the federaliſts for a different mode of proceeding.—Thus proceed the affairs of the nation under the reign of darkneſs. The executive keeps the repreſentatives of the people in the dark—and the repreſentatives, in their turn, keep the people themſelves in the dark.—Indeed, indeed, this is a *dark day!*

FIRE AT SCHENECTADY.

On the 5th inſt. a fire broke out in a barber's ſhop in Schenectady, which deſtroyed 3 dwelling-houſes, two ſtables, &c.

Foreign accounts ſtate that Conſtantinople was almoſt entirely deſtroyed by an Earthquake on the 26th Oct. laſt. The ſeraglio and a great part of the city are ſtated to have been ſwallowed up. The earthquake was productive of the moſt extenſive miſchief in ſeveral parts of Turkey, particularly in Wallachia and Romelia.

The Wreath.

FOR THE BALANCE.

YOUTH.

To wake the villain to a sense of shame—
To raise the honest and the worthy name—
To make mankind the prosperous knave despise,
And strip from tinsell'd vice its fair disguise;
For this the censor first the pen assum'd,
While round his brow the guardian laurel bloom'd;
For this did Boileau, in poetic strain,
And Juvenal, the scourge of folly's reign,
For this did Horace, courtly and severe,
And England's poet, Pope, commence the grand career.

Ah, why, alas! when subjects so abound,
When heedless folly walks uncheck'd around,
When vice triumphant waves her impious hand,
And fearless spreads her empire in our land,
Why is Columbia's genius wrapt in night?
Why springs no bard empassion'd for the fight?
Eager to rush upon his destin'd prey,
And bare each monster to the eye of day;
Tear off all frippery-pomp from learning's shrine,
And wisdom shew as natively divine;
With manly verse, majestic, clear and strong.
As when old Homer bids his heroes throng,
Each sing-song poet, and each mongrel wit,
Each would-be writer, critic of the pit,
Drive to their proper purpose and intent,
To that employ which grandam nature meant—
The Plough, the Bar, the Counter, or the School,
As fashion'd hardy, cunning, sage, or fool.
Why still must every press with nonsense teem?
The tedious version, or the lover's dream;
Or else with Godwin's votaries o'erflow,
Who, like their master, aim the deadly blow
At all the good and pious hold most dear,
Their hope hereafter, and their comfort here;
While modest genius, from the croud retir'd,
Lifts not its voice, or lifts it unadmir'd.
Shall Clodius, with impunity assume
The palm of merit and the hero's plume?
With proud majestic strut, his tales recite,
Of thousands slaughter'd by his arm of might;
Tell of his plans and penetration shewd—
Realms gain'd or lost, as his designs pursu'd;
Tho' all the real merit he can boast,
Is, that no wound he gain'd, no limb he lost;
While the poor veteran walks unheeded by,
And hears his pompous boasts without a sigh:
But, ah! that sigh must burst, whene'er his tho't
Turns to his home, with many a woe o'erfraught,
Whene'er his mind contrasts the varied scene
Of flatter'd wealth, with misery's haggard mien—
The crouds attendant on rich Clodius' gate,
With all the horrors that his steps await—
His services repaid alone with wounds,
While Clodius' purse with needless wealth abounds.
Shall still Astultus, obstinate and vain.
Wage war with reason, and religion's reign?
Shall folly serve for Apuline's defence,
While murdering virtue, wit and common sense?
Shall he escape the lash of satire's song,
Constant in nothing, but in being wrong?
Shall Bufo.

FRIEND.

Hold! arrest your wild career—
You deem yourself the poet stern, severe,
Whose bold effusions and unequall'd force,
Appal the sons of vice and stop their course:
Think'st thou, how vast, momentous the design,
What foes arise from each satiric line?
Art thou prepar'd to meet the numerous band
Who, leagued 'gainst virtue, riot in the land,
And watch with jealous eye each hostile hand?

YOUTH.

Thanks for thy caution,—but, who can refrain
When on such themes? Who hold the steady rein?
When nature's self seems tainted with the times,
And earth capacious deluged with crimes;
When virtue, frighten'd from her ancient seat,
Ascends to heaven her only, last retreat?

FRIEND.

Canst thou recal her to this earth again?
Drawn by thy power, will vice unloose her chain?
Will thy persuasive genius teach mankind
To pierce delusions, darkening every mind?
Canst thou restore religion's sacred flame,
As pure and holy as from God it came?
No, giddy youth! resign the weighty task—
Above thy powers, it nobler talents asks;
Forego thy pen—quit the unfinish'd plan,
For he who made, alone can alter man.

Satiricus.

Hudson.

Diversity.

AN ACCOUNT OF MULY MOLUC.

When Don Sebastian, king of Portugal, had invaded the territories of Muly Moluc, emperor of Morocco, in order to dethrone him, and set the crown on the head of his nephew, Moluc was wearing away with a distemper which he knew was incurable. However, he prepared to meet so formidable an enemy. He was indeed so far spent with his sickness, that he did not expect to live out the whole day, when the last decisive battle was given, but knowing that fatal consequences would happen to his children and people, in case he died before he put an end to the war, he commanded his principal officers, that if he died during the engagement, they should conceal his death from the army, and that they should ride up to the litter in which he was carried under pretence of receiving orders from him as usual. Before the battle begun he was carried through all the ranks of his army in an open litter, as they stood drawn up in array, encouraging them to fight valliantly in defence of their religion and country. Finding afterwards the battle to go against him, though he was very near his last agonies, he threw himself out of his litter, rallied his army, and led them on to the charge; which afterwards ended in a complete victory on the side of the Moors —He had no sooner brought his men to the engagement, but finding himself utterly spent, he was again replaced in the litter, where laying his finger on his mouth to enjoin secrecy to his officers, who stood about him, he died in that posture.

A PHILOSOPHICAL COBLER.

ON the day of the coronation of the present king of England, (as report has gone,) a gentleman, who had been walking in London in the vast procession, which that event occasioned, happened to make a rent in his shoe; and went into a cobler's stall to get it mended. Observing the cobler to continue intent upon his work, without once looking up to see the brilliant throng that was constantly passing his door, he questioned him respecting this indifference. The cobler laconically replied, "This fine show is nothing to me: the Lord sent me into the world to mend shoes, and I must mind my own business."

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